

# Greece

## COMMERCE AND NAVIGATION

*Treaty signed at London December 22, 1837*

*Senate advice and consent to ratification March 26, 1838*

*Ratified by the President of the United States April 12, 1838*

*Ratified by Greece April 18, 1838*

*Ratifications exchanged at London June 25, 1838*

*Entered into force June 25, 1838*

*Proclaimed by the President of the United States August 30, 1838*

*Supplemented by protocol of February 10, 1890*<sup>1</sup>

*Articles XII, XIII, and XIV abrogated by convention of December 2, 1902*<sup>2</sup>

*Terminated January 26, 1921*<sup>3</sup>

8 Stat. 498; Treaty Series 147<sup>4</sup>

### TREATY OF COMMERCE AND NAVIGATION BETWEEN THE UNITED STATES OF AMERICA, AND HIS MAJESTY THE KING OF GREECE

The United States of America and His Majesty The King of Greece, equally animated with the sincere desire of maintaining the relations of good understanding which have hitherto so happily subsisted between their respective States, of extending also and consolidating the Commercial intercourse between them; and convinced that this object cannot better be accomplished than by adopting the system of an entire freedom of Navigation, and a perfect reciprocity, based upon principles of equity equally beneficial to both Countries; Have, in consequence, agreed to enter into negotiations for the conclusion of a Treaty of Commerce and Navigation, and for that purpose have appointed Plenipotentiaries; The President of the United States of America Andrew Stevenson, Envoy Extraordinary, and Minister Plenipotentiary of

<sup>1</sup> TS 148, *post*, p. 312.

<sup>2</sup> TS 424, *post*, p. 313.

<sup>3</sup> Pursuant to notice of termination given by Greece Jan. 24, 1920.

<sup>4</sup> For a detailed study of this treaty, see 4 Miller 107.

the United States, near the Court of Her Britannic Majesty, and His Majesty The King of Greece Spiridion Tricoupi Councillor of State on Special Service, His Envoy Extraordinary, and Minister Plenipotentiary near the same Court, Grand Commander of the Royal Order of the Saviour, Grand Cross of the American Order of Isabella the Catholic, who after having exchanged their full Powers, found in good and due form, have agreed upon the following Articles.

#### ARTICLE I <sup>5</sup>

The Citizens and Subjects of each of the two High Contracting Parties, may, with all security for their persons, vessels, and cargoes, freely enter the ports, places, and rivers of the Territories of the other, wherever Foreign Commerce is permitted. They shall be at liberty to sojourn and reside in all parts whatsoever of said territories;—to rent and occupy houses and warehouses for their commerce, and they shall enjoy generally, the most entire security and protection in their Mercantile Transactions, on conditions of their submitting to the Laws and Ordinances of the respective Countries.

#### ARTICLE II

Greek Vessels arriving either laden or in ballast, into the Ports of the United States of America, from whatever place they may come, shall be treated on their entrance, during their stay, and at their departure upon the same footing as National Vessels coming from the same place, with respect to the duties of tonnage, light houses, pilotage, and port charges, as well as to the perquisites of Public Officers, and all other duties or charges of whatever kind or denomination, levied in the name, or to the profit of the Government, the Local Authorities, or of any Private Establishment whatsoever.

And, reciprocally, the Vessels of the United States of America arriving either laden, or in ballast, into the Ports of the Kingdom of Greece, from whatever place they may come, shall be treated on their entrance, during their stay, and at their departure upon the same footing as National Vessels coming from the same place, with respect to the duties of tonnage, light-houses, pilotage, and port charges, as well as to the perquisites of Public Officers, and all other duties or charges, of whatever kind or denomination, levied in the name, or to the profit of the Government, the Local Authorities, or of any Private Establishment whatsoever.

#### ARTICLE III

All that may be lawfully imported into the United States of America in Vessels of the said States, may also be thereinto imported in Greek Vessels, from whatever place they may come, without paying other or higher duties or charges of whatever kind or denomination, levied in the name, or to the

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<sup>5</sup> For an understanding relating to art. I, see protocol of Feb. 10, 1890. (TS 148), *post*, p. 312.

profit of the Government, the Local Authorities, or of any Private Establishments whatsoever, than if imported in National Vessels.

And, reciprocally, all that may be lawfully imported into the Kingdom of Greece, in Greek Vessels, may also be thereinto imported, in Vessels of the United States of America, from whatever place they may come, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name, or to the profit of the Government, the Local Authorities, or of any Private Establishments whatsoever, than if imported in National Vessels.

#### ARTICLE IV

All that may be lawfully exported from the United States of America, in Vessels of the said States, may also be exported therefrom in Greek Vessels, without paying other or higher duties or charges of whatever kind or denomination, levied in the name or to the profit of the Government, the Local Authorities or of any Private Establishments whatsoever, than if exported in National Vessels.

And, reciprocally, all that may be lawfully exported from the Kingdom of Greece in Greek Vessels, may also be exported therefrom in Vessels of the United States of America, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the Local Authorities, or of any Private Establishments whatsoever, than if exported in National Vessels.

#### ARTICLE V

It is expressly understood that the foregoing second, third, and fourth Articles are not applicable to the Coast-wise Navigation from one Port of the United States of America, to another Port of the said States; nor to the navigation from one port of the Kingdom of Greece to another port of the said Kingdom, which navigation each of the two High Contracting Parties reserves to itself.

#### ARTICLE VI

Each of the two High Contracting Parties engages not to grant, in its purchases, or in those which might be made by Companies or Agents, acting in its name, or under its authority, any preference to importations made in its own vessels, or in those of a third Power, over those made in the vessels of the other Contracting Party.

#### ARTICLE VII

The two High Contracting Parties engage not to impose upon the Navigation between their respective Territories, in the vessels of either, any tonnage or other duties of any kind or denomination, which shall be higher or other than those which shall be imposed on every other Navigation, except that

which they have reserved to themselves respectively by the fifth Article of the present Treaty.

#### ARTICLE VIII

There shall not be established in the United States of America, upon the products of the soil or industry of the Kingdom of Greece, any prohibition or restriction of importation or exportation, nor any duties of any kind or denomination whatsoever, unless such prohibitions, restrictions and duties shall likewise be established upon articles of like nature, the growth of any other Country;

And, reciprocally, there shall not be established in the Kingdom of Greece on the products of the soil or industry of the United States of America, any prohibition or restriction of importation or exportation, nor any duties of any kind or denomination whatsoever, unless such prohibitions, restrictions, and duties be likewise established upon articles of like nature, the growth of any other Country.

#### ARTICLE IX

All privileges of transit and all bounties and drawbacks which may be allowed within the territories of one of the High Contracting Parties, upon the importation or exportation of any article whatsoever, shall, likewise, be allowed on the articles of like nature, the products of the soil or industry of the other Contracting Party, and on the importations and exportations made in its vessels.

#### ARTICLE X

The Citizens or Subjects of one of the High Contracting Parties, arriving with their Vessels on the Coasts belonging to the other, but not wishing to enter the Port, or after having entered therein, not wishing to unload any part of their cargo, shall be at liberty to depart and continue their voyage, without paying any other duties, imposts, or charges whatsoever for the vessel and cargo, than those of pilotage, wharfage, and for the support of Light-houses, when such duties shall be levied on National Vessels in similar cases. It is understood, however, that they shall always conform to such regulations and ordinances concerning navigation, and the places and ports which they may enter, as are, or shall be, in force with regard to National Vessels, and that the custom house officers shall be permitted to visit them, to remain on board, and to take all such precautions as may be necessary to prevent all unlawful Commerce, as long as the Vessels shall remain within the limits of their Jurisdiction.

#### ARTICLE XI

It is further agreed that the Vessels of one of the High Contracting Parties, having entered into the ports of the other, will be permitted to confine themselves to unloading such part only of their cargoes as the Captain or Owner

may wish, and that they may freely depart with the remainder, without paying any duties, imposts, or charges whatsoever, except for that part which shall have been landed, and which shall be marked upon, and erased from, the manifest exhibiting the enumeration of the articles with which the vessel was laden, which manifest shall be presented entire at the Custom House of the place where the vessel shall have entered. Nothing shall be paid on that part of the cargo which the vessel shall carry away, and with which it may continue its voyage, to one, or several other ports of the same Country, there to dispose of the remainder of its cargo, if composed of articles whose importation is permitted, on paying the duties chargeable upon it; or it may proceed to any other Country. It is understood, however, that all duties, imposts, or charges whatsoever, which are or may become chargeable upon the vessels themselves, must be paid at the first port where they shall break bulk, or unlade part of their cargoes; but that no duties, imposts, or charges, of the same description shall be demanded anew in the ports of the same Country, which such vessels, might, afterwards wish to enter, unless National Vessels, be in similar cases, subject to some ulterior duties.

#### ARTICLE XII <sup>6</sup>

Each of the High Contracting Parties grants to the other, the privilege of appointing in its commercial ports and places, Consuls, Vice Consuls, and Commercial Agents, who shall enjoy the full protection, and receive every assistance necessary for the due exercise of their functions; But it is expressly declared that in case of illegal or improper conduct, with respect to the laws or government of the Country, in which said Consuls, Vice Consuls, or Commercial Agents shall reside, they may be prosecuted and punished conformably to the laws, and deprived of the exercise of their functions by the offended Government, which shall acquaint the other with its motives for having thus acted; it being understood, however, that the archives and documents relative to the affairs of the Consulate shall be exempt from all search; and shall be carefully preserved under the seals of the Consuls, Vice Consuls, or Commercial Agents, and of the authority of the place where they may reside.

The Consuls, Vice Consuls, or Commercial Agents, or the persons duly authorized to supply their places, shall have the right as such, to sit as Judges and Arbitrators in such differences as may arise between the Captains and Crews of the vessels belonging to the Nation whose interests are committed to their charge, without the interference of the Local Authorities, unless the conduct of the Crews, or of the Captain should disturb the order or tranquillity of the Country, or the said Consuls, Vice Consuls, or Commercial

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<sup>6</sup> Abrogated by convention of Dec. 2, 1902 (TS 424, *post*, p. 313).

Agents should require their assistance to cause their decisions to be carried into effect or supported—It is, however, understood, that this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort on their return to the judicial authority of their Country.

#### ARTICLE XIII <sup>6</sup>

The said Consuls, Vice Consuls, or Commercial Agents are authorized to require the assistance of the Local Authorities for the arrest, detention, and imprisonment of the Deserters from the ships of War, and Merchant Vessels of their Country; and for this purpose, they shall apply to the competent Tribunals Judges, and Officers, and shall in writing demand said Deserters, proving by the exhibition of the registers, of the vessels, the rolls of the Crews, or by other Official Documents that such Individuals formed part of the Crews;—and on this reclamation being thus substantiated, the surrender shall not be refused.

Such Deserters, when arrested, shall be placed at the disposal of the said Consuls, Vice Consuls, or Commercial Agents, and may be confined in the Public Prisons, at the request and cost of those who claim them, in order to be sent to the vessels to which they belonged, or to others of the same Country. But if not sent back within the space of two months, reckoning from the day of their arrest, they shall be set at liberty, and shall not be again arrested for the same cause.

It is understood, however, that if the deserter should be found to have committed any crime or offence, his surrender may be delayed, until the Tribunal before which the case shall be depending, shall have pronounced its sentence, and such sentence shall have been carried into effect.

#### ARTICLE XIV <sup>6</sup>

In case any vessel of one of the High Contracting Parties shall have been stranded or shipwrecked, or shall have suffered any other damage on the Coasts of the Dominions of the other, every aid and assistance shall be given to the persons shipwrecked, or in danger, and passports shall be granted to them to return to their Country. The shipwrecked vessels and merchandize or their proceeds, if the same shall have been sold, shall be restored to their owners, or to those entitled thereto, if claimed within a year and a day, upon paying such costs of salvage as would be paid by National vessels in the same circumstances; and the Salvage Companies shall not compel the acceptance of their services, except in the same cases, and after the same delays as shall be granted to the captains and crews of National vessels. Moreover, the respective Governments will take care that these companies do not commit any vexatious or arbitrary acts.

## ARTICLE XV

It is agreed that vessels arriving directly from the United States of America, at a port within the dominions of His Majesty The King of Greece, or from the Kingdom of Greece at a port of the United States of America, and provided with a bill of Health, granted by an Officer, having competent power to that effect, at the port whence such vessels shall have sailed, setting forth that no malignant or contagious diseases prevailed in that port, shall be subjected to no other Quarantine than such as may be necessary for the visit of the Health Officer of the Port where such vessels shall have arrived, after which said vessels shall be allowed immediately to enter, and unload their cargoes—Provided always that there shall be on board no person who during the voyage, shall have been attacked with any malignant or contagious Diseases; that such vessels shall not, during their passage, have communicated with any vessel liable itself, to undergo a Quarantine, and that the Country whence they came shall not, at that time, be so far infected or suspected, that before their arrival an ordinance had been issued, in consequence of which all vessels coming from that Country should be considered as suspected, and consequently subject to Quarantine.

## ARTICLE XVI

Considering the remoteness of the respective Countries of the two High Contracting Parties, and the uncertainty resulting therefrom, with respect to the various events which may take place; It is agreed that a Merchant vessel belonging to either of them, which may be bound to a Port supposed at the time of its departure to be blockaded, shall not, however, be captured or condemned, for having attempted a first time to enter said port, unless it can be proved that said vessel could and ought to have learned during its voyage that the blockade of the place in question still continued. But all Vessels which after having been warned off once, shall, during the same voyage attempt a second time to enter the same blockaded port, during the continuance of said Blockade, shall then subject themselves to be detained, and condemned.

## ARTICLE XVII

The present Treaty shall continue in force for ten years, counting from the day of the exchange of the ratifications; and if before the expiration of the first nine years, neither of the High Contracting Parties shall have announced by an Official Notification to the other its intention to arrest the operation of said Treaty, it shall remain binding for one year beyond that time, and so on, until the expiration of the twelve months which will follow a similar Notification, whatever the time at which it may take place.

## ARTICLE XVIII

The present Treaty shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate, and by His Majesty The King of Greece, and the ratifications to be exchanged at London within the space of twelve months from the signature, or sooner if possible.

In faith whereof the respective Plenipotentiaries of the High Contracting Parties, have signed the present Treaty, both in English and French, and have affixed thereto their seals.

Done in duplicate at London the tenth/twenty second of December in the year of our Lord One thousand eight hundred and thirty seven.

A. STEVENSON [SEAL]

S. TRICOUPH [SEAL]